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CHARLES W. McCALL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES W. McCALL, ET AL.

Defendants.

Case No.: CR-00-0505-MJJ

**NINTH STIPULATION AND
~~PROPOSED~~ ORDER RE RETURN
OF DEFENDANT CHARLES W.
McCALL'S PASSPORT**

The Honorable Martin J. Jenkins
Date: None
Time: None
Courtroom 11, Nineteenth Floor
Trial Date: None

1 The United States and defendant Charles W. McCall, through their respective
2 counsel, stipulate and agree as follows:

3 **RECITALS**

4 1. On June 4, 2003, this Court unsealed a second superseding indictment
5 containing charges against Mr. McCall. Trial in this matter began on September 11, 2006.
6 On November 3, 2006, the jury returned a verdict of not guilty as to Mr. McCall on Count 1
7 of the Indictment. The jury was unable to reach a verdict as to Mr. McCall on any of the
8 remaining six counts, and the Court declared a mistrial as to Counts 2, 4, 5, 6, 7 and 8 of the
9 Indictment and discharged the jury. The United States intends to re-try Mr. McCall on
10 those Counts. No trial date is presently assigned.

11 2. During Mr. McCall's arraignment on June 5, 2003, he surrendered his United
12 States Passport to the Court as part of his conditions of pre-trial release.

13 3. Between June 2003 and the present, this Court has entered eight stipulations
14 and orders regarding the return of Mr. McCall's passport. The orders were filed on
15 September 3, 2003; January 5, 2004; August 12, 2004; November 22, 2004; May 13, 2005;
16 September 6, 2005; April 11, 2006; and June 4, 2007 (collectively the "Passport Orders").
17 These orders granted Mr. McCall permission to obtain and/or retain his passport for
18 personal travel abroad.

19 4. Upon obtaining, retaining, and/or returning his passport to the Court pursuant
20 to the Passport Orders, Mr. McCall, through his counsel, has notified the United States
21 Pretrial Services Agency by telephone and/or letter of the status of Mr. McCall's passport
22 and Mr. McCall's personal travel plans outside the United States.

23 5. Most recently, Mr. McCall, through his counsel, returned his passport to the
24 Court on September 7, 2007, in accordance with the Eighth Stipulation and Order re Return
25 of Defendant Charles W. McCall's Passport ("Eighth Passport Order"), entered June 4,
26 2007.

27 6. Mr. McCall respectfully requests, and the United States does not object, that
28 the Court again allow Mr. McCall to obtain his passport from the Court for three additional

1 trips abroad — from December 21, 2007 to January 6, 2008; from January 26, 2008 to
2 February 10, 2008; and from March 23, 2008 to April 5, 2008 — and for such other trips
3 (before April 18, 2008) that are approved in writing at least three (3) business days in
4 advance by the United States Pretrial Services Agency.

5 7. Upon completion of his travels, Mr. McCall shall surrender his passport to
6 this Court on or before April 18, 2008.

7 8. Mr. McCall further respectfully requests, and the United States does not
8 object, that this Stipulation and Order supersede the Eighth Passport Order.

9 9. On October 22, 2007, Pretrial Services Officer Ken Goldberg (Southern
10 District of Florida, West Palm Beach Division) informed counsel for Mr. McCall that he
11 consents to the terms of this stipulation and proposed order.

12 10. On November 2, 2007, Pretrial Services Officer Alan Lew (Northern District
13 of California) informed counsel for Mr. McCall that he consents to the terms of this
14 stipulation and proposed order.

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STIPULATION

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that Mr. McCall's United States Passport shall, with this Court's permission, be returned to him so that he may travel abroad — from December 21, 2007 to January 6, 2008; from January 26, 2008 to February 10, 2008; and from March 23, 2008 to April 5, 2008 — and for such other trips (before April 18, 2008) that are approved in writing at least three (3) business days in advance by the United States Pretrial Services Agency. Mr. McCall shall surrender his passport to this Court on or before April 18, 2008. This Order supersedes the Eighth Passport Order.

IT IS SO STIPULATED AND AGREED.

DATED: November 6, 2007

HELLER EHRMAN LLP

PAUL, WEISS, RIFKIND, WHARTON, &
GARRISON LLP

By /s/ Michael Shepard

Michael J. Shepard

Attorneys for Defendant CHARLES W. McCALL

DATED: November 6, 2007

UNITED STATES OF AMERICA

By /s/ Timothy P. Crudo

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Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: 11/07, 2007

THE HONORABLE
United States

